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a first spacing component, the elongate shells each secured by the first spacing component, the first spacing component in contact with the proximal end of the wall, in contact with the interior surface of the wall, or in contact with both the proximal end of the wall and the interior surface of the wall.--

REMARKS

This Amendment is submitted in response to the Office Action dated March 15, 2001. In the Office Action, the Examiner rejected claims 1-23. With this Amendment, new claims 24-43 are added; no claims are canceled; and claims 3, 4, and 10 are amended. Upon entry of this Amendment, the above-identified application will include claims 1-43.

Objection To The Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). In support of this objection, the Examiner stated:

“The drawings are objected to under 37 CFR. 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spacing structure, recesses, sockets, first spacing component, second spacing component, and legs must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.”

The drawings of the above-identified application, as originally-filed, do in fact disclose the majority of structure mentioned by the Examiner.

First, the spacing structures are depicted as template 14 and template 26 in Figure 1. (See also lines 4-5 and lines 17-18 on page 4 of the above-identified application). Additionally, Additional spacing structures are depicted in new Figure 8 as the flange 56, such as the socket 58, and as the recess 60. Next, the first spacing component and the second spacing component are depicted as the template 14 and the template 26, respectively, or visa versa, in Figures 1 and 2. (See also lines 4-5 and lines 17-18 on page 4; lines 4-5 and lines 10-12 on page 6; and line 25, page 7-line 2, page 8 of the above-identified application). Tubes 30, as depicted in Figures 1, 2, and 7, are

described in the specification as permissibly being the legs of concern to the Examiner. (See page 5, lines 16-21 and lines 25-27 of the above-identified application). Finally, Applicant has added new Figure 8 that depicts the recesses of concern to the Examiner at 60 and the sockets of concern to the Examiner at 58.

The foregoing comments are believed to adequately address the Examiner's objection to the drawings. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the drawings.

Objection To The Specification

In the Office Action, the Examiner objected to the specification as allegedly failing to provide antecedent basis for some of the claimed subject matter. The Examiner's specific comments in this regard are:

"The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: shells, spacing structure, recesses, first spacing component, second spacing component."

Despite the Examiner's comments, the specification of the above-identified application does indeed provide proper antecedent basis for the claimed shells, spacing structure, recesses, first spacing component, and second spacing component.

In this regard, the Examiner is first directed to Applicant's comments provided above in response to the drawing objection. Furthermore, Applicant directs the Examiner's attention to page 4, line 27, through page 5, line 14 where the shells of concern to the Examiner are described. Next, Applicant directs the Examiner's attention to page 4, lines 4-5 and lines 17-18 and to reference characters 14 and 16 of Figures 1 and 2 and to reference characters 56, 58, and 60 in new Figure 8 and the amended paragraph added in place of the original paragraph at page 13, lines 3-14, where the spacing structure is described.

Then, Applicant directs the Examiner's attention to new Figure 8 and the amended paragraph added in place of the original paragraph at page 13, lines 3-14, where details about the recesses and sockets are provided. Applicant notes that details about these recesses and sockets were also provided in the first paragraph on page 13, at lines 3-14, of the above-identified application, as originally filed.

Finally, Applicant directs the Examiner's attention to page 4, lines 4-5 and 7-18; page 6, lines 4-5 and 10-12; and page 7, line 25, through page 8, line 2 for details concerning the first spacing component and the second spacing component. Also, in Figures 1 and 2, the first spacing component and the second spacing component are depicted as the template 14 and the template 26, respectively, or visa versa.

The foregoing comments are believed to adequately address the Examiner's objection to the specification. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the specification.

Claim Rejection Under 35 U.S.C. §102(e) Based Upon The Thibodeaux Patent

In the Office Action, the Examiner rejected claims 1-2 and 7-9 as allegedly being anticipated by U.S. Patent No. 6,185,860 to Thibodeaux (subsequently referred to the "Thibodeaux patent"). In support of this rejection, the Examiner stated:

"The patent to Thibodeaux shows an ice fishing storage apparatus having a pair of extendable elongate shells 12, 13, 14 having an interior surface that defines an elongate cavity. The shells are located adjacent to each other. The top portion 5 of the container acts as a spacing structure and secures the extendable elongate shells in a predetermined relation to each other."

Despite the Examiner's comments, the Thibodeaux patent does not fully disclose each and every feature that is required by claims 1-2 and 7-9. Consequently, the Thibodeaux patent does not anticipate any of claims 1-2 or 7-9.

The comments of the Examiner demonstrate that the Examiner is characterizing the top portion 5 of the Thibodeaux fisherman's cooler as a spacing structure. Furthermore, the

Examiner characterizes the elements 12, 13, and 14, collectively, as an extendable elongate shell "having an interior surface that defines an elongate cavity". The Examiner further surmises that the pair of alleged extendable elongate shells are "located adjacent to each other." However, the Examiner's characterization of the Thibodeaux fisherman's cooler is erroneous in several respects.

Claim 1 of the above-identified application reads as follows:

1. An ice fishing tackle storage apparatus, the apparatus comprising:
 - a pair of extendable elongate shells, the extendable elongate shells having an interior surface that defines an elongate cavity, the pair of extendable elongate shells located adjacent to each other, and ice fishing tackle capable of being positioned within the elongate cavity of each extendable elongate shell; and
 - a spacing structure, the pair of extendable elongate shells each secured by the spacing structure, the spacing structure effective to maintain the pair of extendable elongate shells in predetermined relation to each other, proximate the spacing structure.

As noted, the Examiner's characterization of the Thibodeaux fisherman's cooler is erroneous in several respects. First, referring to Figure 4 and to Column 2, lines 35-49, of the Thibodeaux patent, it is clear that the elements 12, 13, and 14 do not amount to an elongate shell, as alleged by the Examiner. Instead, the elements 12 in the fishing rod holder 10 constitute a plurality of concentric cup members of varying diameter. Next, the element 13 is a longitudinal U-shaped groove in each of the concentric cup members 12. Finally, the element 14 is a U-shaped protrusion that appears on the outer surface of each concentric cup member 12.

Next, the Examiner alleges that the shells 12 collectively have an interior surface that defines an elongate cavity. This is an erroneous conclusion, since the concentric cup members 12 are in fact simply cups, where the bottom of each cup prevents adjacent cups from collectively defining an elongate cavity. Essentially, the cups have a varying diameter so that they may nest in cups having a smaller diameter. This allows fisherman to remove those cups having a diameter smaller than the

diameter of the rod desired to be held in the fishing rod holder 10. (See lines 35-37 in Col. 2 of the Thibodeaux patent).

Thus, Figure 4 of the Thibodeaux patent does not disclose an extendable series of members that collectively define an extendable elongate cavity. Instead, the depiction of the cups 12 with varying diameters in Figure 4, simply shows the relationship of the inner diameter to the outer diameter of adjacent cups. Indeed, viewing the fishing rod holders 10 that are depicted in Figure 1 and cups 12 in Figure 4, it is clear that the height of the cups 12 decrease from the cup with the largest diameter to the cup with the smallest diameter (to accommodate the thickness of the cup bottoms) such that the cups 12, when nested, do not extend above each other.

The foregoing comments demonstrate that the Thibodeaux patent does not in fact disclose either of the extendable elongate shells with the interior surface that defines an elongate cavity, as required by claim 1. Furthermore, Applicant notes that the fishing rod holders 10 are in fact based far apart from each other at corners of the top surface 5, as in Figure 1 of the Thibodeaux patent. Thus, despite the Examiner's allegation, the fishing rod holders 10 of the Thibodeaux device are not located adjacent to each other. Therefore, it is clear the Thibodeaux patent does not disclose the pair of extendable elongate shells that are located adjacent to each other, as required by claim 1.

Next, claim 2, which depends from claim 1, reads as follows:

2. The ice fishing tackle storage apparatus of claim 1 wherein the spacing structure comprises a first template, the first template comprising a plurality of interior surfaces, the interior surfaces defining a plurality of apertures that extend through the first template, each extendable elongate shell passing through one of the apertures of the first template.

Claim 2 thus requires a first template, where interior surfaces of the first template define "a plurality of apertures that extend through the first template". Furthermore, claim 2 requires that each extendable elongate shell pass "through one of the apertures of the first template."

The Thibodeaux patent describes a bore that receives the cup 12 with the largest outside diameter. (Col. 2, lines 46-49). The bore is not depicted in any of the figures of the Thibodeaux patent. Thus, the Thibodeaux patent does not disclose anything about the bore extending

through the top portion 5. Rather, all we know is that the cup members 12 rest in this bore. Furthermore, the Thibodeaux does not say anything about there being a friction fit between the largest diameter cup 12 and the bore. Additionally, it is noted that the cups 12 do not include any type of lip that would prevent the cups 12, such as the largest diameter cup 12, from slipping through the bore. Consequently, it is clear that the bore does not extend through the top surface 5, but instead apparently has a bottom surface that supports the cups 12 and prevents the cups 12 from falling through the bore.

The foregoing comments demonstrate that the Thibodeaux fisherman's cooler does not include a "plurality of apertures that extend through the first template" as required by claim 2. Furthermore, it is clear that the cups 12 do not pass through the bore of the Thibodeaux fisherman cooler. Consequently, the Thibodeaux patent does not disclose the required detail about "each extendable elongate shell passing through one of the apertures of the first template," that is defined in claim 2. Consequently, the Thibodeaux patent does not disclose each and every feature that is required by claim 2.

Claim 8 of the above-identified application depends from claim 7, where claim depends from independent claim 1. Claim 8 reads as follows:

8. The ice fishing tackle storage apparatus of claim 7 wherein the female elongate shell and the male elongate shell are each tubes.

Claim 8 thus requires that at least one of the extendable elongate shells defined in claim 1 comprises a female elongate shell and a male elongate shell, as defined in claim 7. Claim 8 further requires that the female elongate shell and the male elongate shell each be tubes.

The Thibodeaux patent discloses cups 12. These cups 12 do not constitute tubes, since the cups instead have bottoms and, as characterized in the Thibodeaux patent are cups. Consequently, it is clear the Thibodeaux patent does not disclose the female elongate shell and the male elongate shell as tubes, in accordance with claim 8. Consequently, the Thibodeaux patent does not disclose the invention of the above-identified application, as defined in claim 8.

As discussed above, the Thibodeaux patent does not disclose the details required by claims 1, 2, and 8. Consequently, the Thibodeaux patent does not anticipate any of claims 1, 2, or 8 and claims 1, 2, and 8 are each believed allowable. Furthermore, claims 7 and 9 each depend from allowable claim 1 and are therefore also believed allowable. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1-2 and 7-9 under 35 U.S.C. §102 based upon the Thibodeaux patent and that claims 1-2 and 7-9 be allowed.

Claim Rejections Under 35 U.S.C. §102(b) Based Upon The Wolniak patent.

In the Office Action, the Examiner rejected claims 10-15 and 17-18 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,827,658 to Wolniak (subsequently referred to as the "Wolniak patent"). In support of this rejection, the Examiner stated:

The patent to Wolniak shows an ice fishing and fishing storage device. Wolniak shows a pair of elongate shells 30, 30a, each having an interior surface that defines an elongate cavity that ice fishing tackle is capable of being positioned within. Wolniak shows a first spacing component or template 26 having a plurality of interior surfaces that define a plurality of apertures 22 and a second spacing apparatus positioned in a container 10 that has an end wall 12 with an interior surface. The first spacing component is in contact with the interior surface of the wall as shown in Fig. 1. In reference to claim 12, Wolniak shows the second spacing component 21 in contact with the interior surface to the wall 11. Wolniak shows apertures or holes 23 in the bottom wall of the container with also can be considered as sockets which are joined to the elongate shells.

Despite these comments of the Examiner, the Wolniak patent does not disclose each and every feature that is required by any of claims 10-15 or 17-18. Consequently, the Wolniak patent does not anticipate any of claims 10-15 or 17-18.

Claim 10 of the above-identified application reads as follows:

10. (Amended) An ice fishing tackle storage apparatus, the apparatus comprising:

a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity, at least

- one of the elongate cavities having a length that is adequate to accept a portion of an ice fishing rod within the at least one elongate cavity, the ice fishing rod having a tip and a handle, a reel or a line windup attached to the ice fishing rod proximate the handle, the portion of the ice fishing rod extending from a tip of the ice fishing rod to the reel or line windup;
- a first spacing component, the pair of elongate shells each secured by the first spacing component; and
- a second spacing component, at least one of the elongate shells secured by the second spacing component, the second spacing component spaced apart from the first spacing component.

Claim 10 thus requires a pair of elongate shells that each define elongate cavities. Claim 10 further requires that at least one of the elongate cavities have a length adequate to accept a portion of an ice fishing rod, where the portion is defined as "extending from a tip of the ice fishing rod to the reel or line windup." Thus, at least one of the elongate cavities is required by claim 10 to be long enough to accept most of an ice fishing rod.

The Wolniak patent discloses a fishing tackle box with vertically disposed display tubes 30. However, these tubes 30 fit within what is depicted as a conventional fishing tackle box with a top that closes over the tubes. The Wolniak patent is purely concerned with storage of artificial fishing lures in the individual tubes 30. (Col. 1, lines 7-17; col. 3, line 59 through col. 4, line 10; and Figure 3). Indeed, the Wolniak patent further discloses that the cover portions 20a and 20b cover the upper ends of the tubes 30 to prevent the lures from falling out of the individual tubes 30 in the event the tackle box is overturned. (Col. 4, lines 26-44; and Figure 1). There is clearly no disclosure in the Wolniak patent about the tubes 30 having a length that is capable of accepting the majority of an ice fishing rod. Indeed, the covers 20a and 20b would not allow storage of an ice fishing rod in the tubes 30, since the reel or line windup parts of the rods and handle portions of the rod opposite the tip of the rod would prevent the cover portions 20a and 20b from being closed.

Furthermore, as mentioned above, the tubes 30 are intended solely for storing fishing lures. There is no disclosure in the Wolniak patent about the tubes 30 having a length long enough

to accommodate a portion of an ice fishing rod extending from the tip of the ice fishing rod to the reel or line windup, as required by claim 10. Thus, the Wolniak patent does not disclose each and every feature that is required by claim 10.

Claim 14 depends from independent claim 10 and reads as follows:

14. The ice fishing tackle storage apparatus of claim 10 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the wall comprising a one or more interior surfaces that define a recess in the wall or an aperture through the wall, the second spacing component comprising the recess or the aperture, one of the elongate shells passing through the aperture of the wall or positioned in the recess of the wall.

Claim 14 thus requires a container with a wall, where the wall has interior surfaces that define a recess in the wall or an aperture through the wall. Claim 14 further specifies that one of the elongate shells previously defined in claim 10 passes "through the aperture of the wall" or is "positioned in the recess of the wall."

The Examiner alleges that "Wolniak shows apertures or holes 23 in the bottom wall of the container "which also can be considered as sockets that are joined to the elongate shells." The Examiner is correct that the Wolniak patent discloses holes 23 in the bottom wall of the container. However, the Examiner is wrong about considering the holes 23 "as sockets which are joined to the elongate shells."

With regard to the holes 23, the Wolniak patent states:

The bottom panel 13 is formed with a plurality of holes 23 therethrough which are formed to be positioned within the interior of each one of a plurality of vertically disposed display tubes 30 so that water dripping through the lures can pass out from the tackle box and air can circulate through to dry the lure.

(Col. 3, lines 14-19). This is the only disclosure in the Wolniak patent about the holes 23, other than the depiction of the holes 23 in Figure 1. There is no disclosure whatsoever about any joining of the tubes 30 with the holes 23. Instead, the Wolniak patent merely discloses positioning of an open end of the tubes 30 over the holes 23 to allow drainage of the tubes 30. Clearly, there is no disclosure

in the Wolniak patent about a recess in the bottom of the container, where the tubes are positioned in the recess. Likewise, there is no disclosure in the Wolniak patent about an aperture in the bottom of the container, where the tubes 30 pass through the aperture. Indeed, from Figure 1, it is clear that the diameter of the holes 23 are much smaller than the diameter of the tubes 30.

Clearly, the Wolniak patent does not disclose the recess or the aperture that are required by claim 14 or the relationship of the elongate shell to either the aperture or the recess, as required by claim 14. Consequently, it is clear that the Wolniak patent does not disclose each and every feature that is required by claim 14.

Claim 15 also depends from independent claim 10 and reads as follows:

15. The ice fishing tackle storage apparatus of claim 10 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the apparatus further comprising a socket, the socket attached to the wall of the container, and one of the elongate shells positioned in the socket.

The comments provided above with respect to the hole 23 of the Wolniak patent in the context of the recess or the aperture of claim 14 are equally applicable to the socket that is defined in claim 15.

Claim 15 requires a socket that is attached to the wall of the container, with one of the elongate shells being positioned in the socket. The Examiner's comments about the holes 23 being considered as sockets "which are joined to the elongate shells," is clearly a stretch to the imagination that is not disclosed by the Wolniak patent. Clearly, the Wolniak patent does not disclose the socket or the positioning of the elongate shell in the socket that are required by claim 15. Therefore, the Wolniak patent does not disclose each and every feature that is required by claim 15.

The Wolniak patent does not disclose each and every feature that is required by claims 10, 14, or 15. Therefore, the Wolniak patent does not anticipate any of claims 10, 14, or 15. Claims 10, 14, and 15 are therefore believed allowable. Likewise, claims 11-13 and 17-18 each depend from allowable claim 10 and therefore are also believed allowable. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 10-15 and 17-18 under 35 U.S.C. §102(b) based upon the Wolniak patent and that claims 10-15 and 17-18 be allowed.

Claim Rejections Under 35 U.S.C. §102(b) Based Upon The McEwen patent.

In the Office Action, the Examiner rejected claims 19 and 21-23 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,131,179 to McEwen (subsequently referred to as the "McEwen patent"). In support of this rejection, the Examiner alleged:

The patent to McEwen shows an ice fishing tackle storage apparatus having a plurality of elongate shells 16 having an elongate interior cavity, a spacing structure 20, 20 secured to the shells and a plurality of legs 40, 42 attached to the shells. McEwen shows a container 10. McEwen shows the elongate shells capable of securing ice fishing tackle therein. The spacing structure 20, 20 is effective to maintain two or more of the elongate shells in predetermined relation with each other proximate the spacing structure. The elongate shells are capable of serving as legs that will stably support the apparatus on a surface when the two elongate shells are positioned in contact with the surface as shown in Fig. 8.

Despite the Examiner's comments, the McEwen patent does not disclose each and every feature required by claims 19 and 21-23. Consequently, the McEwen patent does not anticipate any of claims 19 or 21-23.

Claim 19 of the above-identified application reads as follows:

19. An ice fishing tackle storage apparatus, the apparatus comprising:

- a plurality of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity, and ice fishing tackle capable of being positioned within the elongate cavities of the elongate shells;
- a spacing structure, the elongate shells secured by the spacing structure, the spacing structure effective to maintain two or more of the elongate shells in predetermined relation to each other, proximate the spacing structure; and

wherein at least two of the elongate shells are capable of serving as legs that will stably support the apparatus on a surface when the at least two elongate shells are positioned in contact with the surface, the spacing structure effective to prevent slippage of the at least

two elongate shells with respect to the spacing structure.

Claim 19 thus requires a plurality of elongate shells that each have interior surfaces defining elongate cavities. Ice fishing tackle is capable of being positioned within the elongate cavities. A spacing structure is provided to secure two or more of the elongate shells in predetermined relations to each other, proximate the spacing structure. According to claim 19, "at least two of the elongate shells are capable of serving as legs that will stably support the apparatus on a surface when the at least two elongate shells are positioned in contact with the surface." (Emphasis added). Thus, at least two of the elongate shells are capable of serving as legs that will stably support the apparatus that includes the plurality of shell and the spacing structure.

With regard to the McEwen patent, the Examiner relies upon Figure 8 as allegedly disclosing elongate shells that "are capable of serving as legs that will stably support the apparatus on a surface when the two elongate shells are positioned in contact with the surface as shown in Figure 8." While Figure 8 does show that a minor portion of the periphery of one end of one of the tubes 16 is in contact with the ground, this mere disclosure of the contact between this minor portion of the tube 16 with the ground does not establish anything about the ability of the tube 16, in the combination disclosed in Figure 8, to stably support the entire apparatus that includes the container 10, the legs 40, the tube 16, among other components.

Indeed, in relation to the disclosure in Figure 8, the McEwen patent discloses that the tubes 16, 18 by virtue of their minor contact with the ground, are not responsible for the stability of the McEwen apparatus. Instead, the McEwen patent discloses that the bucket 10 is filled with water. (Col. 4, lines 26-27). The McEwen patent discloses that this filling of the bucket with water is responsible for steadying the apparatus, including the tubes 16 and 18. (Col. 4, lines 42-44 and Figure 8). The McEwen patent discloses nothing whatsoever about the tubes 16, 18 supporting the overall apparatus. Indeed, legs 40, 42 are explicitly added for purposes of supporting the tubes 16, 18. This further demonstrates that the tubes 16, 18 do not support the overall apparatus of the

McEwen patent, such as that disclosed in Figure 8. Mere contact of a minor portion of the tubes 16, 18 with the ground does not necessarily demonstrate support of the apparatus by the tubes 16, 18.

Applicant also notes that the Examiner characterizes the spacing structure of the McEwen patent as sleeves 20, 20. In fact, the spacing structure of the McEwen devices include every component shown in the figures, other than the tubes 16, 18. Absent these other components, including the handle 12, the nut and bolt arrangement 38, the bucket 10, the sleeve 30, 32, the elastic cords 34, 36, the sleeves 20, 22, the leg 40, 42, etc., the tubes would not be maintained in predetermined relation to each other and would not be prevented from slipping with respect to the spacing structure. All of the components beyond the tubes 16, 18 constitute the spacing structure, albeit a fairly complicated spacing structure, of the McEwen patent.

Thus, the legs 40, 42 in combination with the water placed in the bucket 10, are vitally necessary for support of the apparatus disclosed in the McEwen patent. (Col. 2, line 55, through Col. 3, line 5). Clearly, mere contact between a small part of the tube 16, 18 with the ground plays only a minor role and is insufficient to stably support the overall apparatus. Even absent this disclosed contact of the tubes 16, 18, the water in the bucket would clearly support the overall apparatus in stable fashion. Furthermore, absent the contact between the tube 16, 18 and the ground, the remaining components of the apparatus in the McEwen patent, including the nut and bolt mechanism 38, would still constitute the support mechanism of the McEwen apparatus and would still maintain the tubes 16, 18 in stable fashion to support a fishing rod inserted within the tube 16, 18.

As explained above, the McEwen patent does not disclose each and every feature required by claim 19. Claim 21 of the above-identified application depends from claim 19 and reads as follows:

21. The ice fishing tackle storage apparatus of claim 19 wherein the elongate shells each have a longitudinal axis, a length of at least one of the elongate shells selectively and reversibly adjustable along the longitudinal axis of the at least one elongate shell.

Claim 21 thus requires that a length of at least one of the elongate shells originally defined in claim 19 be selectively and reversibly adjustable along the longitudinal axis of the at least one elongate shell.

The McEwen patent does not disclose any ability to extend the length of either the tube 16 or the tube 18. The Examiner implicitly recognizes this, since the Examiner did not point to any aspect in the McEwen patent covering any such length adjustment ability. Thus, the McEwen patent does not disclose each and every feature that is required by claim 21.

Claim 23 of the above-identified application reads as follows:

23. An ice fishing tackle storage apparatus, the apparatus comprising:

- a plurality of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity, and ice fishing tackle capable of being positioned within the elongate cavities of the elongate shells;

- a spacing structure, the elongate shells secured by the spacing structure, the spacing structure effective to maintain at least two of the elongate shells in predetermined relation to each other, proximate the spacing structure;
- and

- a plurality of legs that are capable of supporting the apparatus on a surface when the legs are positioned in contact with the surface, the plurality of legs attached to the spacing structure or to any of the elongate shells.

Claim 23 thus requires a plurality of legs that are capable of supporting the apparatus, where the apparatus that is capable of being supported comprises the elongate shells and the spacing structure, on a surface when the legs are positioned in contact with the surface.

As indicated above, there is no disclosure in the McEwen apparatus about the legs 40, 42 or the tubes 16, 18 having the capability of supporting the overall apparatus (tubes and spacing structure) of the McEwen apparatus. Instead, as exemplified by the need to fill the bucket 10 with water, it is clear that the bucket, as opposed to the legs 40, 42 or the tubes 20 supports the overall apparatus that includes the bucket 10. Absent the water in the bucket 10, the McEwen patent clearly indicates that insufficient stability would exist, even with the use of the legs 40, 42. Thus, the McEwen patent fails to disclose each and every feature that is required by claim 23.

As indicated above, the McEwen patent fails to disclose all of the features required by claims 19, 21, and 23. Claims 19, 21, and 23 are therefore believed allowable. Claim 22 depends

from allowable claim 19 and is therefore also believed allowable. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 19 and 21-23 under 35 U.S.C. §102(b) based upon the McEwen patent and that claims 19 and 21-23 be allowed.

Claim Rejections Under 35 U.S.C. §103(a) Based On The Thibodeaux And Morin Patents.

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. §103 as allegedly being unpatentable over the Thibodeaux patent as applied to claim 1, and further in view of U.S. Patent No. 4,311,262 to Morin (subsequently referred to as the "Morin patent"). In support of this rejection, the Examiner stated:

The patent to Thibodeaux shows an ice fishing tackle storage device as discussed above and show one template which is the top surface. Morin shows an ice fishing tackle storage apparatus having a first 14 and second 24 template to hold rod 12. In reference to claim 3, it would have been obvious to employ a second template in Thibodeaux as shown by Morin for the purpose of supporting the fishing rod in two places.

Despite the Examiner's comments, the Thibodeaux patent and the Morin patent, either separately or in any combination do not teach, suggest, disclose, or make obvious the invention of the above-identified application, as defined in claim 3.

Claim 3 depends from claim 2, which in turn depends from claim 1. Claim 3 reads as follows:

3. (Amended) The ice fishing tackle storage apparatus of claim 2 wherein the spacing structure further comprises a second template, the second template comprising one or more interior surfaces, the one or more interior surfaces defining at least one aperture that extends through the second template, one of the extendable elongate shells passing through the aperture of the second template.

Claim 3 thus further defines the spacing structure of claim 2 in terms of a second template in addition to the first template that is defined in claim 2. Claim 3 requires that one of the extendable elongate shells pass through the aperture of the second template.

The Examiner characterizes the top portion 5 of the Thibodeaux fisherman's cooler as a first template. The Morin patent discloses a lower horizontal member 24 with a plurality of openings 25 and an upper horizontal member 14 with a plurality of openings 15, where the openings 15 and 25 are relatively vertically aligned with one another. (Col. 2, line 62, through col. 3, line 4). The Examiner seeks to add another template in addition to the upper portion 5 for purposes of supporting the cups 12. However, there is no suggestion from either the Thibodeaux patent or the Morin patent for the need or motivation to so modify the Thibodeaux fisherman's cooler. Indeed, as explained above, the nested cups 12 of varying diameter rest fully within the bore of the fishing rod holder 10 in the upper portion 5. This negates any need for an additional support template, since each nest of cups 12 is already fully supported by the individual bore in the upper portion 5.

As an additional comment, it is noted that the bore 5, as explained above in relation to the Examiner's §102 rejection, is not disclosed as extending fully through the upper portion 5. Instead, the bore 5 must be closed ended and therefore clearly has a bottom that supports the cup 12 with the largest diameter which in turn supports the top with the next smaller diameter, etc., etc. This characterization of the bore as being a closed end bore that does not extend fully through the upper portion 5 is clearly appropriate, since having bores that extended fully through the upper portion 5 would hinder the ability of the cooler to keep things held within the cooler cool. Therefore, adding the pair of templates 14, 24 with the holes 15, 25 extending therethrough in place of the apparent closed end bore of the upper portion 5 would effectively open up the cooler to atmosphere and prevent the closed end bore from serving its important and intended function of helping to keep goods within the cooler cool.

Thus, there is clearly no motivation or suggestion in either the Thibodeaux patent or the Morin patent for substituting the templates 14, 24 with the through bores 15, 25 in place of the upper portion 5 of the Thibodeaux patent with the closed end bores. Consequently, it is clear that the alleged combination of the Examiner based upon the Thibodeaux patent and the Morin patent does not teach, suggest, disclose, or render obvious the invention of the above-identified application, as defined in claim 3.

The Thibodeaux patent, in combination with the Morin patent does not render claim 3 obvious. Claim 3 is therefore believed allowable. As indicated elsewhere, independent claim 1 is separately believed allowable. Claim 3 is therefore also believed allowable for an additional reason, since claim 3 depends from allowable claim 1. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 3 under 35 U.S.C. §103 based upon the Thibodeaux and Morin patents and that claim 3 be allowed.

Claim Rejection Under 35 U.S.C. §103 Based Upon the Wolniak and Thibodeaux Patent.

In the Office Action, the Examiner rejected claims 1, 4-6 and 16 under 35 U.S.C. §103 as allegedly being unpatentable over the Wolniak patent in view of the Thibodeaux patent. In support of this rejection, the Examiner stated:

The patent to Wolniak shows an ice fishing storage device for fishing tackle as discussed above. Wolniak does not show the elongate shells having an adjustable length, but does show tubes of different lengths. Thibodeaux shows adjustable length tubes 12-14. In reference to claims 1, 16, it would have been obvious to provide Wolniak with at least one adjustable length tube as shown by Thibodeaux for the purpose of storing fishing tackle of different lengths in one elongate shell. In reference to claims 4, 5, Wolniak shows a top wall 26 with apertures 22 which also can be considered sockets.

Despite the Examiner's comments, the Wolniak patent and the Thibodeaux patent, either separately or in combination, do not teach, suggest, disclose, or render obvious the invention of the above-identified application, as defined in claims 1, 4-6, and 16.

Claim 1 of the above-identified application reads as follows:

1. An ice fishing tackle storage apparatus, the apparatus comprising:
 - a pair of extendable elongate shells, the extendable elongate shells having an interior surface that defines an elongate cavity, the pair of extendable elongate shells located adjacent to each other, and ice fishing tackle capable of being positioned within the elongate cavity of each extendable elongate shell; and

a spacing structure, the pair of extendable elongate shells each secured by the spacing structure, the spacing structure effective to maintain the pair of extendable elongate shells in predetermined relation to each other, proximate the spacing structure.

Claim 1 thus defines an ice fishing tackle storage apparatus that comprises a pair of extendable elongate shells. The shells have an interior surface that defines elongate cavities within each shell and ice fishing tackle is capable of being positioned with each elongate cavity of each extendable elongate shell.

The Examiner characterizes the Thibodeaux patent as disclosing "adjustable length tubes 12-14." As explained above, the Thibodeaux patent does not disclose any such "adjustable length tubes 12-14." Instead, the Thibodeaux patent discloses nesting cups 12 of varying diameter. The Examiner alleges it would be obvious to substitute the alleged "adjustable length tubes 12-14" in the Wolniak patent "for the purpose of storing fishing tackle of different lengths in one elongate shell." However, substituting the nested cups 12 in place of the tubes 30 of the Wolniak patent would not yield an adjustable length tube, but would instead yield the set of nested cups, where each cup would still have the bottom and an adjustable length cavity would therefore not exist. The nested set of cups 12 from the Wolniak patent, even if inserted in place of the tubes 30 of the Wolniak tackle box, would therefore not collectively define an elongate cavity, as required by claim 1. Furthermore, the nested set of cups 12, even if inserted in place of the tubes 30 of the Wolniak tackle box, would not constitute the extendable elongate shells, that are required by claim 1.

Furthermore, even if the nested set of cups 12 *were* disclosed as actually being tubes, instead of the nested cups that are actually disclosed, incorporation of such an adjustable length set of tubes in place of the single tube 30 disclosed in the Wolniak patent would destroy important and intended functions of the Wolniak patent. Specifically, as previously discussed, the Wolniak patent discloses cover portions 20a and 20b that are disclosed as confronting the open upper ends of the tubes 30 to help keep fishing lures in the cups 30 in the event the tackle box of the Wolniak patent is overturned. Any incorporation of extendable length tubes in place of the fixed length tubes 30 of

the Wolniak patent would either prevent the covers 20 from being closed or would prevent the covers 20 from confronting the open ends of the tubes. Either way, such incorporation of extendable tubes in the Wolniak tackle box would destroy an important and intended function of the Wolniak patent, namely, either the ability to close the covers 20 or the ability to prevent lures from tumbling out of the tubes 30 upon disruption of the Wolniak tackle box.

The foregoing comments clearly demonstrate that the suggested modification of the Wolniak tackle box in accordance with the Examiner's suggestion using the Thibodeaux set of nested cups is neither taught, suggested, disclosed or obvious. Thus, the Wolniak patent and the Thibodeaux patent, either separately or in combination, do not teach, suggest, disclose, or render obvious the invention of the above-identified application, as defined in claim 1. Consequently, claim 1 is believed allowable over this §103 rejection of the Examiner.

Next, we consider claim 4. Claim 4 depends from independent claim 1 and reads as follows:

4. (Amended) The ice fishing tackle storage apparatus of claim 1 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the wall comprising interior surfaces that define a plurality of recesses in the wall or a plurality of apertures through the wall, the spacing structure comprising the recesses or the apertures of the wall, each extendable elongate shell passing through the apertures of the wall or positioned in the recesses of the wall.

Claim 4 thus requires a container with a wall, where the wall comprises "interior surfaces that define a plurality of recesses in the wall or a plurality of apertures through the wall," where "each extendable elongate shell either passes through the wall apertures or is positioned in the wall recesses."

The Examiner alleges that "Wolniak shows a top wall 26 with apertures 22 which also can be considered sockets." The Examiner's characterization of the element 26 as a "top wall" of the Wolniak container is erroneous. The container in the Wolniak patent is disclosed as the element 10, with side walls 11, end walls 12, and a bottom panel 13. (Col. 3, lines 10-14; and Figure 1). The elements 21, 26 are disclosed in the Wolniak patent as being panels of floatation material that are

added to the container, and preferably secured to the container, but are not part of the container itself. Instead, the proper focus of the Examiner would have been upon the side walls 11, the ends walls 12, or the bottom panel 13 of the container 10. However, none of the side walls 11, ends walls 12, or bottom panel 13 include any such apertures or recesses where the elongate shells pass through the apertures or are positioned in the recesses.

Thus, the Examiner's combination of the Wolniak patent in view of the Thibodeaux patent does not teach, suggest, disclose, or make obvious the recesses or apertures that are required by claim 4. Furthermore, we note that claim 4 requires the extendable elongate shell, as previously discussed in relation to claim 1. The Examiner's combination of the Thibodeaux patent with the Wolniak patent does not teach, suggest, disclose, or render obvious the extendable elongate shell, as additionally required by claim 4.

Consequently, the Wolniak patent in view of the Thibodeaux patent does not teach, suggest, disclose, or make obvious the invention of the above-identified application, as defined in claim 4. Therefore, claim 4 is believed allowable.

Next, claim 5, which depends from independent claim 1, reads as follows:

5. The ice fishing tackle storage apparatus of claim 1 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the spacing structure comprising a plurality of sockets, the sockets attached to the wall of the container, and the extendable elongate shells positioned in the socket.

Claim 5 thus requires sockets that are attached to a wall of the container. As noted above, the Examiner equates the apertures 22 in the floatation material panel 26 with sockets. This characterization of the Examiner is erroneous on at least a couple of grounds. First, the apertures of the floatation material are not sockets, but are instead apertures. These apertures are positioned well above any other related surfaces, so there is not a combination of a surface abutting the aperture that would allow the apertures to function as a socket. Furthermore, claim 5 requires that the socket be attached to a wall. Here, the apertures are not attached to a wall; instead, it is the template or floatation material 26 that is attached to a wall of the container in the Wolniak device. Furthermore,

we again note that the Wolniak patent, as modified to include the nested set of cups 12 from the Thibodeaux patent does not include the extendable shells required by claim 5.

The Wolniak patent, as modified by the Thibodeaux patent, in accordance with the Examiner's suggestion, does not teach, suggest, disclose, or render obvious the invention of the above-identified application, as defined in claim 5. Therefore, claim 5 is believed to be allowable.

Claim 16 depends from allowable claim 10 and reads as follows:

16. The ice fishing tackle storage apparatus of claim 10 wherein the elongate shells each have a longitudinal axis, a length of at least one of the elongate shells selectively and reversibly adjustable along the longitudinal axis of the at least one elongate shell.

Claim 16 thus requires an elongate shell with a length that is selectively and reversibly adjustable along the longitudinal axis of the elongate shell. A combination of the nested set of cups 12 from the Thibodeaux patent in place of the tubes 30 of the Wolniak patent would not yield such a selectively and reversibly adjustable length elongate shell, for the reasons previously discussed in relation to claim 1 above. Thus, the Wolniak patent, as modified by the Thibodeaux patent in accordance with the Examiner's suggestion, would not equal the invention of the above-identified application, as defined in claim 16. From this alone, it is clear that the Wolniak patent in view of the Thibodeaux patent does not teach, suggest, disclose, or make obvious the invention of the above-identified application as defined in claim 16.

Claims 1, 4-5, and 16 are believed allowable for the reasons provided above. Claim 6 is also believed allowable, since claim 6 depends from allowable claim 1. Claims 4 and 5 are also believed allowable for an additional reason, since claims 4 and 5 each depend from allowable claim 1, as well. As discussed elsewhere, claim 10 is also believed allowable. Claim 16 is therefore also believed allowable for an additional reason, since claim 16 depends from allowable claim 10. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1, 4-6, and 16 under 35 U.S.C. §103 based upon the Wolniak patent and the Thibodeaux patent and that claims 1, 4-6, and 16 be allowed.

Claim Rejection Under 35 U.S.C. §103(a) Based Upon The McEwen Patent.

In the Office Action, the Examiner rejected claim 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over the McEwen patent . In support of this rejection, the Examiner alleged:

The patent to McEwen shows a fishing pole holder and storage container that functions as an ice fishing storage apparatus as discussed above. In reference to claim 20, McEwen does not disclose positioning the ice fishing storage apparatus in a container. However, it would have been obvious to store the elongate shells and the spacing structure in the container when not in use for the purpose of minimizing storage space.

Despite the Examiner's comments, the McEwen patent does not teach, suggest, disclose, or make obvious the invention of the above-identified application, as defined in claim 20.

Claim 20 depends from independent claim 19 and reads as follows:

20. The ice fishing tackle storage apparatus of claim 19 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the wall having a proximal end and a distal end and the wall having an interior surface, the spacing structure either in contact with the proximal end of the wall, in contact with the interior surface of the wall, or in contact with both the proximal end of the wall and the interior surface of the wall.

Claim 20 calls for the ice fishing tackle storage apparatus of claim 19 to be positioned in a container, where the container has a wall with a proximal end and a distal end along with an interior surface. Claim 20 additionally requires that the spacing structure previously defined in claim 19 be in contact with the proximal end of the wall, the interior surface of the wall, or both the proximal end and the interior surface of the wall of the container.

The Examiner simply alleges that it would be obvious to store the tubes and the spacing structure of the McEwen device in the container "when not in use for the purpose of minimizing storage space." The Examiner's comments seemingly disregard the spacing structure contact requirements with the wall that are defined in claim 20. Apparently, the Examiner is

suggesting that the tubes, sleeves 20, 18, the legs 40, 42, and the elastic sleeves 34, 6 be disassembled and placed in the container 10.

However, there is no suggestion to somehow position the support structure components thereby disassembled in contact with the walls of the container 10. Clearly, the disassembled form of the McEwen apparatus would not equal the details required by claim 20. Certainly, it would not be obvious to force disassembled portions of the support structure to be in contact with the walls of the McEwen portable fish bucket. Indeed, the McEwen patent does not suggest any such disassembly. This is instead apparently only the suggestion of the Examiner. The McEwen patent instead suggests only minor disassembly with none of the components being stored in the container 10. (Col. 2, lines 43-54; and Figure 1). Thus, the McEwen patent actually teaches away from the Examiner's suggestion of complete disassembly with component storage in the bucket 10.

Based upon the foregoing comments, it is clear that the McEwen patent does not teach, suggest, disclose, or render obvious the invention of the above-identified application, as defined in claim 20. Therefore, Applicant believes that claim 20 is allowable.

Claim 20 is believed allowable for the reasons provided above. As stated elsewhere, claim 19 is also believed allowable. Therefore, claim 20 is believed allowable for an additional reason, since claim 20 depends from allowable claim 19. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 20 under 35 U.S.C. §103 based upon the McEwen patent and that claim 20 be allowed.

New Claims Added By Applicant.

Applicant has added new claims 24-43, as indicated above. Support for new claims 24-43 is believed to exist in the above-identified application. Applicant respectfully requests consideration and allowance of new claims 24-43.

CONCLUSION

Claims 1-43 are each believed allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1-23 and that claims 1-23 be allowed. Additionally, Applicant respectfully requests that the Examiner consider and allow new claims 24-43. Finally, Applicant respectfully requests that the Examiner reconsider and withdraw the objections to the drawings and specification stated above. The Examiner is invited to contact Applicant at the telephone number indicated below to discuss any aspect of this application and advance this application to allowance.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 8-15-01

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**APPENDIX:
MARKED UP VERSION OF CLAIM AMENDMENTS**

Amended Claims 3, 4, and 10:

3. (Amended) The ice fishing tackle storage apparatus of claim 2 wherein the spacing structure further comprises a second template, the second template comprising one or more interior surfaces, the one or more interior surfaces defining at least one aperture that extends through the second template, one of the extendable elongate shells passing through [each] the aperture of the second template.

4. (Amended) The ice fishing tackle storage apparatus of claim 1 wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the wall comprising interior surfaces that define a plurality of recesses in the wall or a plurality of apertures through the wall, the spacing structure comprising the recesses or the apertures of the wall, each extendable elongate shell[s] passing through the apertures of the wall or positioned in the recesses of the wall.

10. (Amended) An ice fishing tackle storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity, at least one of the elongate cavities having a length that is adequate to accept a portion of an ice fishing rod within the at least one elongate cavity, the ice fishing rod having a tip and a handle, a reel or a line windup attached to the ice fishing rod proximate the handle, the portion of the ice fishing rod extending from a tip of the ice fishing rod to the reel or line windup [and ice fishing tackle capable of being positioned within the elongate cavity of each elongate shell];
a first spacing component, the pair of elongate shells each secured by the first spacing component; and
a second spacing component, at least one of the elongate shells secured by the second spacing component, the second spacing component spaced apart from the first spacing component.

New claims 24-43:

--24. The ice fishing tackle storage apparatus of claim 1 wherein the pair of extendable elongate shells comprise:

a first extendable elongate shell having a first interior surface that defines a first elongate cavity, the first extendable elongate shell comprising a plurality of separable elongate shell components, each elongate shell component having an inner surface that defines an elongate cavity portion, the elongate cavity portions of each adjacent elongate shell component in communication with each other and

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the elongate cavity portions collectively forming the first elongate cavity; and
a second extendable elongate shell having a second interior surface that defines a second elongate cavity.--

--25. The ice fishing tackle storage apparatus of claim 1 wherein each elongate cavity is selectively and reversibly capable of being lengthened or shortened.--

--26. The ice fishing tackle storage apparatus of claim 1 wherein the pair of extendable elongate shells are each capable of simultaneously holding different ice fishing tackle items.--

--27. The ice fishing tackle storage apparatus of claim 26 wherein the different ice fishing tackle items are pre-rigged ice fishing rods, pre-rigged ice-fishing tip-ups, or a pre-rigged ice fishing rod and a pre-rigged ice-fishing tip-up, the ice fishing storage apparatus effective for preventing the different ice fishing tackle items from becoming entangled with each other when held within the extendable elongate shells.--

--28. The ice fishing tackle storage apparatus of claim 1 wherein each extendable elongate shell comprises an adjustable stop, the adjustable stops effective to hold each extendable elongate shell at a selected level of extension.--

--29. The ice fishing tackle storage apparatus of claim 1 wherein each extendable elongate shell has a proximal end and a distal end, the proximal end of each extendable elongate shell having a rounded surface that is adequate to minimize abrasion of any fishing line that rests against the proximal end of any extendable elongate shell.--

--30. An ice fishing rod storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity and ice fishing rods capable of being individually positioned within the elongate cavities of the different elongate shells;
a first spacing component, the pair of elongate shells each secured by the first spacing component; and
a second spacing component, at least one of the elongate shells secured by the second spacing component, the second spacing component spaced apart from the first spacing component.--

--31. The ice fishing rod storage apparatus of claim 30 wherein the ice fishing rods are capable of being individually positioned within the elongate cavities of the different elongate shells with tips of the rods within the elongate cavities and with either the reels or line windups of the ice

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fishing rods or fishing line extending from the reels or line windups in contact with the elongate shells.--

- 32. An ice fishing tackle storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity and ice fishing tackle capable of being positioned within the elongate cavity of each elongate shell;
a first spacing component, the pair of elongate shells each secured by the first spacing component; and
a second spacing component, at least one of the elongate shells secured by the second spacing component, the second spacing component spaced apart from the first spacing component;
wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the wall comprising a one or more interior surfaces that define a recess in the wall or an aperture through the wall, the second spacing component comprising the recess or the aperture, one of the elongate shells passing through the aperture of the wall or positioned in the recess of the wall.--

- 33. An ice fishing tackle storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity and ice fishing tackle capable of being positioned within the elongate cavity of each elongate shell;
a first spacing component, the pair of elongate shells each secured by the first spacing component; and
a second spacing component, at least one of the elongate shells secured by the second spacing component, the second spacing component spaced apart from the first spacing component;
wherein the ice fishing tackle storage apparatus is positioned in a container, the container having a wall, the apparatus further comprising a socket, the socket attached to the wall of the container, and one of the elongate shells positioned in the socket.--

- 34. An ice fishing tackle storage system, the ice fishing tackle storage system comprising an ice fishing storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity and ice fishing tackle capable of being positioned within the elongate cavity of each elongate shell; and
a first spacing component, the pair of elongate shells each secured by the first spacing component; and

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a first wall, the first wall attached to the first spacing component; and
a container, the ice fishing tackle storage apparatus positioned in the container,
the container having a second wall, the first wall and the second
wall defining a chamber within the container, an ice fishing tip-up
capable of being placed in the chamber.--

--35. The ice fishing tackle storage system of claim 34 wherein the ice-fishing tip-up is
capable of being entirely within the chamber.--

--36. An ice fishing tackle storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that
defines an elongate cavity and ice fishing tackle capable of being
positioned within the elongate cavity of each elongate shell; and
a first spacing component, the pair of elongate shells each secured by the first
spacing component;
wherein each extendable elongate shell has a proximal end and a distal end, the
proximal end of each extendable elongate shell having a rounded
surface that is adequate to minimize abrasion of any fishing line
that rests against the proximal end of any extendable elongate
shell.--

--37. An ice fishing tackle storage apparatus, the apparatus comprising:
a pair of elongate shells, the elongate shells each having an interior surface that
defines an elongate cavity and ice fishing tackle capable of being
positioned within the elongate cavity of each elongate shell; the
elongate shells each having both a distal end and a proximal end;
a first spacing component, the pair of elongate shells each secured by the first
spacing component, the first spacing component having a distal
surface and a proximal surface; and
a second spacing component, at least one of the elongate shells secured by the
second spacing component, the second spacing component
spaced apart from the first spacing component;
wherein the ice fishing tackle storage apparatus is positioned in a container, the
container having a closed bottom end and an open upper end, the
first spacing component positioned at the open upper end.--

--38. The ice fishing tackle storage apparatus of claim 37, wherein the proximal end of
at least one of the elongate shells is flush with the proximal surface of the first spacing component.--

--39. The ice fishing tackle storage apparatus of claim 19 wherein the spacing structure
is free of contact with the surface.--

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--40. The ice fishing tackle storage apparatus of claim 19 wherein the spacing structure comprises a template, the template comprising a plurality of interior surfaces, the interior surfaces defining a plurality of apertures that extend through the first template, at least one of the elongate shells passing through one of the apertures of the template.--

--41. The ice fishing tackle storage apparatus of claim 23 wherein the spacing structure is free of contact with the surface.--

--42. The ice fishing tackle storage apparatus of claim 23 wherein the spacing structure comprises a template, the template comprising a plurality of interior surfaces, the interior surfaces defining a plurality of apertures that extend through the first template, at least one of the elongate shells passing through one of the apertures of the template.--

--43. A bucket assembly, the bucket assembly comprising:
 a bucket, the bucket having a water-holding capacity of at least about three gallons and the bucket having a wall, the wall having a proximal end and a distal end and the wall having an interior surface;
 a plurality of elongate shells, the elongate shells each having an interior surface that defines an elongate cavity and ice fishing tackle capable of being positioned within the elongate cavity of each elongate shell;
 and
 a first spacing component, the elongate shells each secured by the first spacing component, the first spacing component in contact with the proximal end of the wall, in contact with the interior surface of the wall, or in contact with both the proximal end of the wall and the interior surface of the wall.--

**APPENDIX B:
MARKED UP VERSION OF SPECIFICATION AMENDMENTS**

Marked-up version of new paragraph inserted at page 3, lines 20-21:

--Figure 8 is another sectional view of the ice fishing tackle storage apparatus depicted in Figure 3, taken through line 3-3.--

Marked-up version of amended paragraph inserted at page 13, lines 3-14, in place of the paragraph originally located at page 13, lines 3-14:

As another option, a positioning flange[s (not shown)] 56, such as a socket[s (not shown)] 58, that [are] is capable of accepting and securing the distal ends 38 of the tubes 30, as best depicted in Figure 8, may be fixed to the bottom wall 25 of the container 12, in lieu of the template 26, when the template 14 is used. The flange[s] 56, in combination with the template 14, helps to stabilize and maintain a particular desired alignment between different tubes 30. As another alternative, the templates 14, 26 may each be dispensed with, in favor of [the] positioning flanges 56 or sockets 58 only, by increasing the height of the positioning flanges 56 or sockets 58 to grip more of the length of the tubes 30. As yet another alternative, a recess[es (not shown)] 60 may be bored or formed in the bottom wall 25 of the container 12 to accept the distal ends 38 of the different tubes 30, in place of using the positioning flanges 56 or the template 26 for purposes of stabilizing the tubes 30.

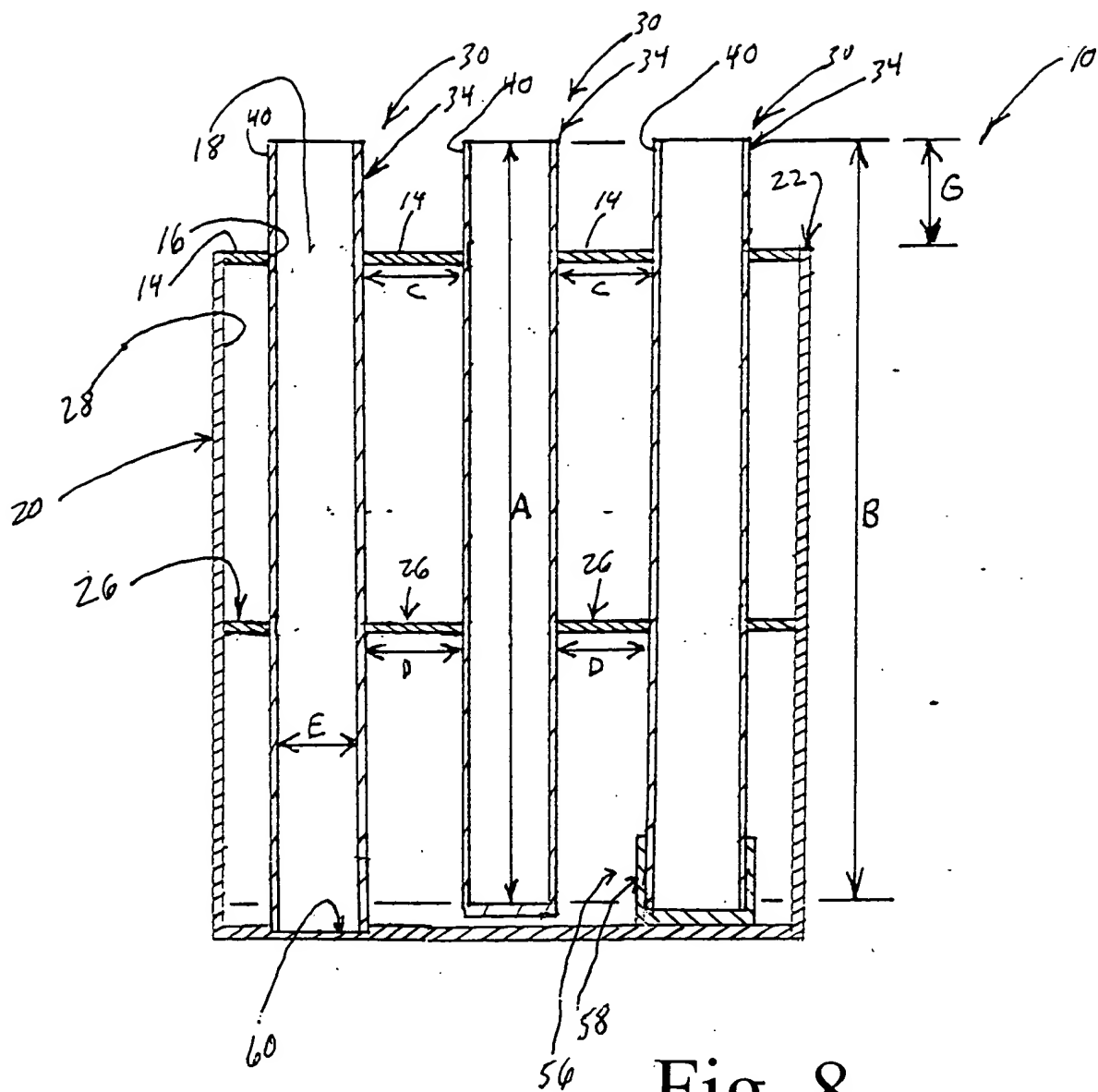


Fig. 8